

PATENTS  
TRADE MARKS  
COPYRIGHTS  
UNFAIR COMPETITION

LAW OFFICES

LEE J. GARY

722 FIRST NATIONAL BANK BUILDING

CHICAGO 3

US EPA RECORDS CENTER REGION 5



470286

TELEPHONE CENTRAL 8123  
CABLE ADDRESS "FRANBEL"

FRANK L. BELKNAP-1933  
LEE J. GARY  
W. F. DESMOND  
J. M. PARKER  
C. H. BASSETT  
J. T. CULLINAN

April 16, 1948.

Frost Company,  
Kenosha,  
Wisconsin.

Attention: Mr. M. C. Frost.

Re: Schaible Patent No. 2,278,566

Dear Sir:

We have carefully studied the file history of the above identified Schaible patent together with the patents which were cited by the Examiner during the prosecution of the Schaible application.

We do not believe that our examination of the file history has in any wise altered the opinion which we expressed to you in our letter of March 9, 1948. We find that the Pasman patent No. 2,038,852 was not cited against Schaible's claims. We feel that this patent is more pertinent than any of the three patents which the Patent Office cited.

Accordingly, we believe that if Crane asks for some sort of guarantee against the Schaible patent upon products which you furnished to them, we feel that you are taking no more than a reasonable business risk in making the guarantee. However, as a matter of general policy, we are opposed to that type of guarantee wherein the supplier broadly indemnifies his customer.

We believe that you are justified in offering to defend Crane at your own cost and expense on any suit brought under the Schaible patent, but we do not believe that you should be obligated to hold Crane free and harmless from any judgment which may be rendered. We believe that Mr. Lange will undoubtedly be satisfied if you agree to defend Crane at your own cost and expense against the suit filed under Schaible. We are enclosing the Schaible file history and references for your examination.

Very truly yours,

WFD/A  
enc